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In re application of

LaFollette et al.

Serial No. 09/930,539

Filed: August 14, 2001

For: MICROSCOPIC BATTERIES FOR MEMS SYSTEMS

DECISION ON
PETITION

This is a response to applicant's renewal of a petition under 37 C.F.R. 1.181. Applicant requests that the application be reassigned to another Examiner to insure prompt filing of the Examiner's Answer. That Jacqueline Stone supervise an expedited preparation of the Examiner's answer and that the Examiner be instructed to file with the Board of Patent Appeals and Interferences and serve on the Attorney for the Applicants the Examiners Answer within 15 days of the decision on this renewal petition.

The current application (09/930,539) is a continuation of application 09/037,801. A review of the current application shows the following. A non-final rejection was mailed out on August 5, 2004. Applicant filed a response on October 14, 2004 to the non-final office action. The Office mailed applicant on October 22, 2004 a notice of informal or non-responsive amendment. Applicant attempted to remedy the situation on November 1, 2004 and November 9, 2004. A notice of non-compliant relating to both of these attempts was mailed on November 23, 2004. Applicant filed a Notice of Appeal on November 26, 2004 and an Appeal Brief on December 6, 2004. Applicant filed an amendment rectifying the issues raised by the non-compliant notice on November 12, 2004 and was received by the office on November 15, 2004. It appears that a notice of non-compliant amendment mailed in November did not address the amendment received by the Office November 15, 2004. Applicants Appeal Brief appears to be based upon the amendment received by the Office on November 15, 2004.

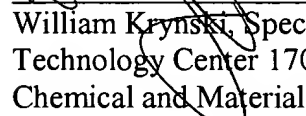
The previous petition requested that the amendments be entered and to recognize that the application is correctly on appeal and the jurisdiction of the Board has been properly invoked. The application was forwarded to the Examiner for consideration of applicant's amendment received November 15, 2004 and if the amendment was in compliance, to then consider applicants Appeal Brief and to file an Examiner's Answer in response to applicant's Appeal Brief.

The amendment of November 15, 2004 was considered as per the petition decision and a communication to the applicant was mailed on April 16, 2006. The communication noted that the appeal was not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

The Petition is **Dismissed** in view of the indication of notice of allowance on 9/27/06



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